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ABSTRACT

This report presents results of a follow-up review, conducted by the State University System of Florida Board of Regents, of the law schools at the University of Florida and Florida State University. The review first provides a summary of the original 1985 and 1990 studies, as well as a description of Florida's legal education contained in the 1985 report, including commentary on data cited in that report. Next, each university is examined covering areas such as faculty composition (women and minority instructors) and quality, salary range, admissions and financial aid available, interdisciplinary activities, educational facilities, library salaries, and professional skills training. The paper concludes with observations and corrective recommendations for both schools. The appendix provides a statement that addresses minority access to legal education in Florida. Among the considerations to be considered by the University of Florida are to correct the lack of space in the law library, and develop better communications between the College of Law and the Graduate School Office in order to facilitate cooperation and appropriate linkage. Considerations to be considered by Florida State University include the addition of an experienced law school administrator, and improvement in the amount of instruction and supervision of the externship programs. (GLR)

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PROGRAM REVIEW

OF

LEGAL EDUCATION

STATE UNIVERSITY SYSTEM OF FLORIDA

BOARD OF REGENTS

HE 024 926

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THE STATE UNIVERSITY SYSTEM OF FLORIDA
PROGRAM REVIEW OF LEGAL EDUCATION

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Accepted by the Council of Presidents

June, 1991

BOR 90-3

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EXECUTIVE SUMMARY

In the summer of 1990, the Board of Regents conducted a follow-up review of Law at the University of Florida and Florida State University. Dr. Marilyn V. Yarbrough, Dean of the College of Law at the University of Tennessee at Knoxville and a member of the initial review team in 1985 returned as the consultant for the 1990 law review. In the interim, both schools had been successfully reviewed by the American Bar Association (ABA) and the Association of American Law Schools (AALS).

The conclusion reached in the 1985 Review--that both universities are distinguished, given their relative stages of maturity and their missions--remains true for this review. Dr. Yarbrough's specific conclusions and recommendations are outlined below.

For Consideration by the Board of Regents:

1. As in the 1985 Review, the data suggest that a greater participation by minorities is needed in SUS law schools. The Board of Regents should consider the various strategies which can achieve this goal. These include increasing the number of scholarships to minorities, entering into contractual arrangements with Florida's private universities, and the creation of a third SUS law school. In Dr. Yarbrough's opinion, providing more resources for minority scholarships would immediately impact the shortfall of minorities educated in the law profession, as opposed to the building of a new facility which would necessarily take several years at a far greater cost.

For Consideration by the Universities:

<u>University of Florida</u>

1. Lack of space in the law library is a continuing problem which has now reached crisis proportions.

2. Space for new faculty, including Eminent Scholars, will have to be reallocated from space now used for other purposes. This problem needs careful and immediate attention.

3. Meaningful dialogue must begin between the College of Law and the Graduate School Office in order to facilitate cooperation and appropriate linkage.

Florida State University

1. The addition of an experienced law school administrator should ensure that severe over-enrollment does not occur again.

2. The amount of instruction and supervision of the externship programs is of continuing concern. Continued vigilance regarding the quality and adequacy of professional skills training of students will ensure that credit is awarded for meaningful educational experiences.

3. The College should continue to vigorously pursue securing funds for meaningful clinical experiences beyond externships.

4. The College has decided to create an "in-house clinic" funded in part by a grant from the Florida Bar Association and in part by reallocation of internal Collegiate funds. The clinic will provide legal representation to juveniles.

5. Library space in the foreseeable future will be problematic.

THE 1985 AND 1990 REVIEWS

The 1985 Review

In 1985, consultants for the SUS, reviewing Florida's two public Colleges of Law, concluded that, although the two institutions were quite different, they were both also quite good. The University of Florida (UF) College of Law was described as "one of the excellent law schools in the United States." The relatively young law school at Florida State University (FSU), was predicted to "become a quality institution of which the State can be proud," and that "with its smaller size and unencumbered by long-standing traditions, the Florida State University's College of Law has great opportunity for innovative approaches to legal education."

While the consultants did not make specific recommendations in regard to FSU in their 1985 review, problems cited included lack of adequate faculty offices and classroom space, low salaries paid to professional librarians, the clinical extern programs, and the lack of an in-house clinic or strong skills program. The consultants noted that decisions about how to spend the quality enhancement money then recently appropriated to the school would likely determine the manner in which these problems were addressed and, as a consequence, whether the FSU College of Law would reach its maturity enjoying a reputation for excellence commensurate with that of its sister institution.

The specific recommendations made to the UF College of Law also addressed space needs, specifically library space needs, and low salaries for professional librarians. In addition, suggestions were made that the Center for the Study of Government Responsibility should be more closely integrated with the law school program, that the recently eliminated tuition waiver for minority law students be restored, and that the faculty be encouraged to adopt normative measures of quality relating to teaching and scholarship. As with FSU, the UF College was reminded that the opportunity afforded by the quality enhancement money should enable it to become one of the top state supported law schools in the U.S., on a par with those at either Virginia, Texas, Minnesota, or Michigan.

The 1990 Review

This follow-up program review, conducted in the summer of 1990, was intended to update and review data and recommendations made in 1985. In the interim, both schools had been reviewed by the American Bar Association (ABA) and the Association of American Law Schools (AALS). Each retained its approval by those agencies. The Council on Post-Secondary Accreditation (COPA) has recognized the ABA Council of the Section of Legal Education and Admissions to the Bar and the Association of American Law Schools as the appropriate bodies to approve the program of study in the nation's law schools. Of the 176 ABA approved law schools, 158 are members of the AALS. Membership in the AALS and

approval by the American Bar Association are indications that law schools have met minimum standards prescribed by those organizations. A self-study and a site evaluation by peers is undertaken periodically to ensure that the schools maintain those minimum standards. Each of the questions addressed in the 1985 program review was addressed by the accrediting bodies and has now been reviewed by the consultant for the 1990 program review.

The site visit by the consultant for the Florida Board of Regents and two members of the Board of Regents staff, Dr. Joann Houston and Dr. Patricia Hansen, was conducted on June 28 for the Florida State College of Law and June 29 for the University of Florida. In each instance, the visit included a meeting with the provost and the dean of the law school, a meeting with key faculty, a separate meeting with students, and a tour of the facilities. Again, in each instance, an exit interview was conducted with the provost and dean. Because this was a follow-up to the 1985 report, and because of the timing of the visit, there were no classroom visits, no meetings with individual faculty members or students, no review of records or library collections, nor any other in-depth on-site evaluation. The consultant was provided with catalogs, brochures and other self-descriptions of the colleges' programs, the colleges' most recent self-studies, the site evaluation questionnaires, and reports from the ABA and AALS site evaluation teams.

At an initial meeting with the Executive Vice Chancellor for the Florida Board of Regents and members of his staff, the consultant learned of particular issues facing the regents' schools and set the stage for the site visits by identifying issues suggested by her reading. The issues for FSU included those identified in the last program review (lack of adequate faculty offices and classroom space, low librarian salaries, and professional skills training) as well as rank and status of minority and women faculty, admissions statistics, especially as they applied to minorities, professional relationships with other university entities, resource allocation, and financial aid.

Issues addressed regarding the University of Florida included clinical supervision, faculty morale, faculty composition, promotion and tenure for law librarians, minority student recruitment and the role of the University of Florida graduate school in the approval of graduate programs.

For both schools, there was some concern, looking forward to the 1992 five-year master plan, whether national and local data suggested that a new or different configuration for the provision of education in the State should be considered. It was also noted that a dramatic upturn in undergraduate enrollment could be expected for 1995, which is a likely problem for the next program review since it would not impact legal education for at least four years after being felt by the undergraduate programs.

LEGAL EDUCATION IN FLORIDA

Before responding to the individual concerns listed above, it might be helpful to review the description of legal education contained in the 1985 program review and to comment on data cited in that report. In the description of the goals and methods of legal education, there is a discussion of features that make legal education in the United States unique among other forms of graduate and professional education. There, it is noted that Florida's two state supported law schools do not differ from other law schools in the nation in that they strive to train applicants to the profession, advance knowledge and understanding of the law through research, and serve the public and the profession in many ways.

The report notes that as the reputation of the Florida schools continues to grow, the number and quality of nonresident applications would increase. When taking this fact into account with other data concerning the number of private law schools in the State and the number of residents who might likely seek legal education opportunity in Florida, the consultants make no recommendation as to whether a new law school should be built or subsidization of the private law schools in the State be undertaken. In examining the question, however, data comparing Florida, Texas, Pennsylvania, Illinois, California, and New York are presented and a nationwide report on the demand for legal education beyond 1984 is reviewed. That report suggests

that there would continue to be a decline in the demand for legal education in the 1980s. However, contrary to the prediction, law school applications continued to increase throughout the 1980s. At that time, the report's authors suggested that geographic differences based upon the population growth rate in a state could be essential in predicting the decline for a particular state. A review of that data by the Regents' consultants suggests that "Florida can be expected to produce somewhat more applicants than any other state because there will be an 18 percent increase in residents within that age group [20-29 years of age] between now and both 1990 and 2000."

That consultants' report also notes that Florida both imported lawyers and exported law students. It also notes that in 1983, 38 percent of the individuals listing their residence as Florida and enrolled in the first year of an ABA approved law school were attending law school out of state. That number was identical to the average of all 36 jurisdictions that exported law students. The report concludes that

> In light of the high cost of providing quality legal education, it would seem inadvisable for Florida to increase the number of law students at this time. Any additional money that may be available for legal education could be better spent by increasing the student expenditure which, at least until recently, has been quite modest in Florida.

Despite that conclusion, two specific issues continued to trouble the consultants: (1) whether the UF and FSU law schools could adequately serve residents of Southeast

Florida and (2) whether minorities, especially African-Americans and Hispanics, have a reasonable opportunity of attending law school in Florida given the location of the two state law schools. (See "Appendix A: Minority Access to Legal Education.")

A review of population statistics, first year seats in state schools, and first year seats in private schools in Florida, suggests that an in-depth review of this issue should be undertaken in preparation of the five year master plan. A preliminary report of 1988 demographic statistics, contained in the 110th edition of the Statistical Abstract of the United States: 1990, shows that Florida is growing faster than any state except Alaska, Arizona and Nevada. In resident population, Florida ranked 10th in 1960, 7th in 1980, and 4th in 1988. The percentage of change in population from 1980 to 1988 was 8.5 percent nationally, 12.3 percent in the South, and 26.6 percent in Florida. Although much of that growth can be attributed to persons over the age of 65, that growth is also present in a significant number of states due to the aging of the U.S. population generally. Projections of state population from 1989 to the year 2010 suggest that Florida will remain the 4th most populace state, after California, Texas and New York, and that the rate of change will be quite significant in comparison with most other states.

In looking at Metropolitan Statistical Area (MSA) population figures, the Miami-Fort Lauderdale area ranked

4th in the nation in 1980 and declined in rank to 11th by 1988, still a significantly large MSA. The Tampa-St. Petersburg area, 22nd in 1980, had climbed to 21st in 1988, and is touted as one of the fastest growing areas in Florida. In addition to overall population, it should be noted that in the Miami-Ft. Lauderdale area, African-Americans comprise 17.5 percent of the total population and Hispanics 28 percent of the total. As in the 1985 program review, the data strongly suggest that a thorough study of the question of placement of a new law school or subsidization of the private schools in the southeastern part of the state should be undertaken. Problems with placebound but poor candidates and concerns about serving the needs of minority state residents may best be addressed by the provision of opportunities for legal education in southeast Florida. Additional data regarding college completion rates, income levels, and family structure would need to be gathered before a conclusion can be reached.

As indicated in the exit interviews with the schools and with the Executive Vice Chancellor and his staff, there were few surprises in the inspections. The conclusions reached in the program review five years ago that the UF College of Law is an excellent institution and that the FSU College of Law continues to improve and grow remain true. Specifics with regard to each program are listed on the pages that follow. As noted above, these conclusions are

gleaned from the brief visits to the institutions and a review of the documents provided the consultant.

Faculty: Minorities and Women

According to the 1987 ABA/AALS site evaluation report, there were 25 full-time faculty, 5 full-time writing instructors on short-term contracts, three adjunct professors and one supervising attorney during 1986-87. Eight of the full-time teachers were women and two were minorities. Six of the women held the title of instructor and both minorities were visitors. At that time there were no minorities on the full-time permanent faculty. For the year 1990-91, the College of Law will employ two additional women and one minority, all on the tenure track. In addition, Professor Randall Kennedy of Harvard will teach on a regular basis during intersession and summer school.

Deans Kurtz (FSU) and Lewis (UF) joined with Deans at other law schools in Florida to present a workshop at the Florida Bar Association convention for minorities who were interested in teaching. The Deans issued invitations to all practicing minority attorneys and all minority alumni of their law schools. More than 40 potential law teachers attended the forum and showed great interest in learning more about teaching in law schools. The Executive Director of the Association of American Law Schools has used this event as an example for other regional and state groups seeking to increase the number of minorities interested in teaching law. It should prove a model for much of the rest

of the nation.

Salaries

The average salary of the faculty continues to be in the top quartile of ABA approved schools. Summer compensation for research and teaching is also near the top for all schools in the country. Substantial federal funds and staff support provide additional incentives for the attraction of top faculty to FSU.

Physical Facility

With the addition of the Village Green project, crowding of the physical facility is no longer an immediate problem. Maintenance of the houses added during the Village Green project is a problem for the University, and because of the popularity of the facility, scheduling of the new rotunda is a problem for the College of Law. Overcrowding is no longer a concern. (But, see comments on page 21 under "New Developments.")

Interdisciplinary Thrusts

Centers and institutes at the College of Law provide the primary basis for the interdisciplinary thrust of the College. The College is careful to see that resources are not drained from the basic JD program to provide for these initiatives.

The Policy Studies Clinic undertakes particular

projects, each of which is grant funded. The Caribbean Law Institute is funded by Congress. Faculty members working in the Caribbean Law Institute, including the Reporter, are compensated for their work, and one receives release time from other duties within the College. The Florida Dispute Resolution Center also receives outside funds. FSU provides space and salaries for its director and two student assistants. The principal drain on resources from this center involves space for staff. The operation of the clinic, center and institute provides visibility for the College to other disciplines on campus, as well as nationally and internationally. Workshops conducted by College personnel and introduction to legal research presentations by law library staff to classes from the education college, the library school, the continuing study center and the business school are other examples of outreach to other parts of the campus. The Law Library's sponsorship of an Association of American Law Libraries Institute and its active participation in interlibrary loans (first in lending in the Southeast in 1988 and second in 1989) are further examples of outreach on the part of the College of Law.

Admissions and Financial Aid

The possibility of severe over-enrollment in this year's first year class caused the visit team some alarm. That alarm was shared by the administrative officials at the

College who seemed to be taking the right steps to reduce the number of possible students. In admissions, as in financial aid, the College's new administration is feeling its way. The recent addition of an experienced law school administrator, with background in both admissions and financial aid, should go a long way to seeing that this type of snafu does not recur.

At the time of the visit, 562 offers of admission had been made for the 175 to 190 positions available in the entering class. The comparison data available for the previous year is not exactly comparable as it takes as its benchmark May 19, 1989, a time at which 440 students had been offered admission, no students were on the waiting list, 45 applications were on committee "hold" and 104 files were then awaiting decision. At that time 210 students had accepted a place in the first year class. The data presented to the site visitors, for the week ending June 22, 1990, show that 318 of the 562 students offered admission had accepted the offer. Attempts by Dean Kurtz to encourage students to defer their entrance until next year were proving futile. Of the first 100 students offered such a deferral only 5 accepted. At the time of the visit another 100 students had been offered deferral. If the class continues to be approximately 100 students over-enrolled, the addition of several new sections of legal writing and new sections of all first year courses will have to be contemplated. This could prove to be extremely costly.

Continued concern about financial aid voiced by students and mentioned in the self-study and ABA/AALS site evaluation are being addressed through the addition of the new administrator, Ruth Witherspoon, and by the assignment of a full-time financial aid liaison within the central University system. An example of financial aid problems that have been corrected involves a situation in which financial aid budgets for individual students, those figures that would determine how much aid a student was eligible for, were being computed as if twelve credit hours were the normal load for a student. In fact, fifteen credit hours is the normal load. Students, therefore, were not deemed eligible for an amount that would provide for a normal semester load. As indicated above, this problem has been corrected.

Library Salaries

The site evaluation report from 1987 indicates that compensation for professional librarians had recently been substantially increased. That report concluded that there was no current evidence that low salaries were a problem at FSU, but that even so, the librarian salaries did not rank as high nationally as did those of the faculty and the library director. It was also noted in that report that the library staff, in addition to the director of the library (a tenured professor with the title of Associate Dean), included seven full-time professionals and eleven full-time

and two part-time non-professionals. The professional librarians had no tenure or job security while non-professionals had permanent status after a six month probationary period.

Professional Skills Training

The 1987 ABA/AALS report was especially concerned, as was the 1985 program review, and as the 1990 consultant continues to be, with the amount of instruction in professional skills offered to students and the supervision of the externship programs. It was noted in that report that

> . . . (8) There is no in-house clinical law program. Seventeen externship programs are offered, in which students are expected to work 40 hours per week for 12 credits, or 20 hours per week for 6 credits. Except for one program in the University Counsel's office, all placements are with judges or with public agencies, including the State Attorney, Public Defender and Legal Services offices. Students may earn up to 18 credits (one full-time and one half-time program) toward graduation requirements in extern programs. Full-time externships may be taken only in a student's fifth semester, and half-time programs only in the fifth or sixth semester.
>
> (9) In 1983-84, over 150 students participated in an externship program. In 1984-85, participation decreased to 139 students, and in 1985-86 there was a further reduction to 110 students. There has been a freeze on the development of new programs since January 1, 1985.
>
> (10) One person, on a year-to-year contract, supervises and coordinates the externship programs, and several (but not all) of the programs have a faculty sponsor who is responsible for monitoring and supervising student work.
>
> (11) A study of the externship program by two professors from other schools was commissioned by the School prior to the time that there was a supervising attorney. The report

> of the study was quite negative, concluding that the programs "lack substantial educational value primarily because of the lack of faculty supervision. [Letter from James P. White, Consultant on Legal Education to the ABA, to President Sliger and Dean D'Alemberte, dated July 7, 1987, detailing findings of the March 8-10, 1987 site visit.]

Since the 1987 site visit and its report, the College of Law at FSU has made regular reports to the ABA Accreditation Committee. In its latest report, dated June 14, 1990, Dean Kurtz responded in detail to concerns about the adequacy of supervision and the amount of academic credit allowed for externships. The obvious attention paid to this particular shortcoming of the professional skills training of students is to be commended. The College seems well on its way to putting any problems with the externship program behind it. Nevertheless, continued vigilance is recommended to insure that the College is awarding credit for meaningful educational experiences.

The College still has not developed any meaningful clinical experiences beyond externships; however, it has designed and is presently seeking funding for one such clinic, a juvenile clinic. That program would be year-round, would sustain an 8:1 student/faculty ratio, and would hopefully support three new clinical faculty to supervise and instruct 24 students. The faculty, though allowed to vote on several faculty issues, would not be on the law school's tenure track. It is estimated that the clinic will require approximately $300,000 in additional funds. Those funds are now being sought by Dean Kurtz. Attempts to

secure funding for this clinical experience should be pursued vigorously.

Faculty: Minorities, Women, and Salaries

New faculty members this year include three women, one Hispanic male, one African-American male, and one white male. The College's administration and faculty, like those at FSU, have made a concerted effort to attract additional women and minorities to the faculty. Concerns over the promotion, tenure, and salaries of law librarians, noted in the 1989 ABA/AALS report, seem to have been addressed by the college. The law librarian's and other women faculty's salaries, though noted in the 1989 site evaluation as low, are not when projected 1990-91 salaries are compared on the basis of rank and experience. Promotion and tenure of law library staff are similarly not a problem. Denials of promotion or tenure to the university library faculty are seen as justified.

Faculty: Size and Space

Quality improvement money enabled the College to increase the size of the instructional staff significantly. At the time of this writing, there are more than 70 instructional personnel at the College and 55 tenure track faculty.

Of primary concern is where additional new faculty would reside within the college. There are two Eminent Scholar Chairs available, but no suitable space currently

exists to house these faculty or other additional faculty should positions be filled. The concern about space, addressed in greater detail below, is a new one for the College's non-library facility. The College was inspected by a site evaluation team from the ABA and the AALS one year ago and, although the attention of the College was directed to library space needs, there was no evidence that other space had become a problem at that time.

Faculty: Quality of Teaching

In the visit team's meeting with students, several students present expressed concern with the level of teaching at the College. The concern centered around the loss of several talented teachers to other institutions. The Dean, in the exit interview, agreed that several talented teachers had been lost, but indicated that this problem was being addressed both through the addition of new faculty and through attention to pedagogy by the faculty and administration. A series of faculty development activities focusing on teaching had been planned for the upcoming academic year. There was no evidence that the newly placed emphasis on scholarship has caused the faculty to abandon its objectives with regard to excellence in teaching.

Faculty: Morale

Concern about faculty morale, expressed in the 1982 and 1989 self-studies and site evaluation reports, centered on a

faculty view that individual faculty members felt isolated from each other rather than a part of a vibrant intellectual community. The latest self-study indicates that this feeling of community was a shared goal among many faculty. The faculty development activities mentioned above are designed in part to address that concern. In the meeting with faculty members, no such concern was evident.

Facilities: Law Library

Lack of space in the law library has been a continuing problem. The problem is noted in previous reports, including the program review in 1985. The problem has reached crisis proportions. The library has begun to withdraw volumes from the present collection in order to accommodate new acquisitions. In the last year, approximately 5,000 volumes were withdrawn. The library enjoys excellent leadership and the benefit of vision from the library staff, the administration and the faculty, but there are no new facilities in the offing.

If the Eminent Scholar Chairs are filled, library expansion to accommodate the holders' new interests would be greatly curtailed by the lack of space. In fact, library acquisitions to support any new initiatives will result in further removal of needed materials from the permanent collection.

A difference of opinion exists between students and administrators as to the extent to which classrooms and the

law library are wheelchair accessible. It is recommended that a realistic concensus be reached on this point.

Facilities: Faculty Offices

As noted above, facilities issues now encompass more than the law library; space for new faculty, for Eminent Scholars, and for emeriti, will have to be carved out of space now used for other purposes. In most instances, this is interior space, with no windows. The recruitment of Eminent Scholars to inadequate space is likely to be counterproductive. The movement of present faculty members to such substandard space would greatly affect morale. Over the period since the last site evaluation by the Regents' program review consultants, several space changes have been made in order to accommodate career services, the writing center and other initiatives. Clinic expansion will likewise require additional space. This problem needs careful and immediate attention.

Financial Aid

The Provost and Dean indicated that some of the information reported by students, for example, students still waiting for Spring loans or waiting until December for the disbursement of Fall loans, was not entirely true. The administration felt that student services were substantially improved from several years ago. In any event, a terminal in the law school that would make access to central

University financial aid data is being planned, and a person who will act as liaison between the law school and the central financial aid office will be on-board in the fall.

Professional Skills Training

Although no specific recommendations were made with regard to clinical teaching in the 1985 program review, the conclusion was reached at that time that the offerings were not sufficient to provide either clinical or simulation experiences to all students, nor did they meet existing student demand. At the meeting with students, concern was voiced about the availability of professional skills training to students. Students were concerned that restricted enrollment in the civil and criminal clinic and an inability to gain entrance to trial practice and trial advocacy classes denied some students an opportunity for skills training that was sorely needed. The dean did not feel that this was a particular problem although he admitted that only 88 of 200 students in a given class were likely to be afforded the opportunity for client contact clinics. He acknowledged that there were waiting lists for both the clinic and the trial advocacy program, but indicated that at least 60 percent of students' demand was being met overall and that the college provides access to the basic practice skills course, Trial Practice, to all qualified students who seek admission. Approximately 75 percent of the senior class take the Trial Practice course. There are no

externships at the UF Law School.

The 1989 ABA/AALS site evaluation expressed some concern over supervision of students in the criminal clinic area. That concern has been noted and is being addressed by the addition of new faculty for that program.

Students also indicated a desire for more elective writing and advanced research classes. This concern was relayed to the dean.

The UF Graduate School's Role in the Approval of the LLM Program

The vehemence of the faculty's reaction to questions about interaction with other parts of the campus and a possible interdisciplinary thrust by members of the law faculty was unexpected. Faculty members cited the lack of cooperation by the Graduate School office as a barrier to interdisciplinary study, indicating that the full use of resources by components of the University was impossible under the present structure.

Faculty members cited obstacles at every step of approval for a new Master's in Comparative Law program, recent disapproval of graduate credit for a program that had been offered to architecture planning and law students since 1976, and financial aid and admission problems in concurrent degree programs as examples of this lack of cooperation. They were quick to point out that there had been some level of interdisciplinary exchange within the University,

specifically, informal networking, the potential that the chair of the history department might also hold faculty status in the law school, and the fact that law students take courses in the graduate school as examples of this cooperation. The litany of concerns with the graduate school office on other matters, however, suggests that steps should be taken by the Provost or other appropriate university officials to ensure that appropriate dialogue and exchange is undertaken.

CONCLUSIONS AND RECOMMENDATIONS

As noted at the outset, with few exceptions (the potential for critical over-enrollment in the first year class at FSU, and non-library space problems and the lack of cooperation between the Graduate School and the Law College at UF) there were no real surprises. The Board of Regents can be proud of its law schools. They are both quite excellent, given their relative stages of maturity and missions.

The excerpts which follow reiterate issues discussed above that required attention at the time of the site visit:

Florida State University

* The possibility of severe over-enrollment in this year's first year class caused the visit team some alarm. In admissions, as in financial aid, the College's new administration is feeling its way. The recent addition of an experienced law school administrator, with background in both admissions and financial aid, should go a long way to seeing that this type of snafu does not recur.

* The 1987 ABA/AALS report was especially concerned, as was the 1985 program review, and as the 1990 consultant continues to be, with the amount of instruction in professional skills offered to students and the supervision of the externship programs. Since that time, the College of Law at FSU has made regular reports to the ABA Accreditation Committee. In its latest report, dated June 14, 1990, Dean

Kurtz responded in detail to concerns about the adequacy of supervision and the amount of academic credit allowed for externships. The obvious attention paid to this particular shortcoming of the professional skills training of students is to be commended. The College seems well on its way to putting any problems with the externship program behind it. Nevertheless, continued vigilance is recommended to insure that the College is awarding credit for meaningful educational experiences.

* The College still has not developed any meaningful clinical experiences beyond externships; however, it has designed and is presently seeking funding for one such clinic, a juvenile clinic. Attempts to secure funding for this clinical experience should be pursued vigorously.

University of Florida

* The concern about space is a new one for the College's non-library facility. Lack of space in the law library has been a continuing problem. It was noted in previous reports, including the program review in 1985. The problem has reached crisis proportions.

* Space for new faculty, for Eminent Scholars, and for emeriti, will have to be carved out of space now used for other purposes. This problem needs careful and immediate attention.

* The litany of concerns with the graduate school office suggests that steps should be taken by the Provost or

other appropriate university officials to ensure that appropriate dialogue and exchange is undertaken.

ADDENDUM - NEW DEVELOPMENTS

During the period since this report was first drafted, several steps have been taken to address recommendations stemming from the initial site visits.

Florida State University

Florida State University College of Law has decided to create an "in house clinic" funded partly by a grant from the Florida Bar Foundation and in part by reallocation of internal collegiate funds. A federal grant is pending that would provide additional support. The clinic, to be operated through a consortium with the University of Miami's Medical and Law Schools and the Dade County Legal Services Corporation, will provide legal representation to juveniles. Unfortunately, the funding is sufficient for the training of only eight student attorneys. Additional funding will be needed to expand this opportunity (and service!) beyond that presently contemplated.

On another point that is technically not a new development, but of which the Consultant was not aware at the time of the visit, the College anticipates a critical library space need in a few years. The current facility has the capacity for 234,600 volumes. Currently, the library has 179,907 volumes. This figure does not include other space consuming materials, unbound periodicals, reporter and annotated statutes advance sheets, or other pamphlets held on a temporary basis. At present levels of acquisitions,

the facility would reach full capacity by 1997. Unless the contemplated fourth floor of the present facility can be completed by that year, the library will have to shelve books in remote locations, undermining the utility of the facility for all users.

University of Florida

A recent examination of the College's 1990-91 applications indicates that applications continue to rise, with 180 African-American applicants included in the 3,063 applications received (38 percent of whom have been admitted) for 400 seats. Approximately 33 percent of the College of Law's students have a permanent residence in South Florida.

The College continues to strive for diversity of faculty. It has been successful in hiring an additional female faculty member this year and has extended an offer to another woman who is a Native American.

APPENDIX A:

MINORITY ACCESS TO LEGAL EDUCATION IN FLORIDA

APPENDIX A:

Minority Access to Legal Education in Florida

The 1990 Program Review of Legal Education was intended to update and evaluate data and recommendations made in the 1985 review. Beyond questions of programmatic quality at UF and FSU, two issues of more far-reaching importance in both the 1985 and the 1990 reviews were whether enough lawyers were being trained in Florida, and the extent to which minorities in Florida had adequate access to legal education. In regard to the first issue, the consensus in 1985 and again in 1990 was that, between the public and private institutions, Florida is training enough lawyers to meets its needs. In regard to the second issue, the consensus in both reviews was that minority access to legal education should be a major concern to the citizens of Florida.

In order to address this concern, a number of options have been forwarded for review in order to determine their cost implications and immediate impact upon the problem. One option is to double the number of scholarships provided to minority law students at SUS institutions. A second option is to increase the number of scholarships even more substantially and to secure their placement within both public and private law schools. Yet another option is to contract for further seats with the private law schools in Florida and, as one strategy, to have Florida Agricultural

and Mechanical University (FAMU) take the lead in entering into a contractual agreement with one of the private universities.

The final option is to create a new law school. This option would require an estimated commitment of $13 million in order to build the school, and an additional $6 million each year, unadjusted for inflation, thereafter. Subsequent to and apart from the program review, the 1991 Florida Legislature required the Board of Regents to conduct a feasibility study for the creation of a third law school under the auspices of FAMU.

The issue of minority access was of sufficient importance to the Board of Regents that, prior to the Legislative mandate, Dr. Yarbrough was asked to appear before a planning meeting held in Fort Myers shortly after her site visits to the two SUS campuses to discuss options for producing more minority lawyers in Florida. At that meeting, Dr. Marilyn V. Yarbrough, Dean of the College of Law at the University of Tennessee, Knoxville, lead consultant for the 1990 review and a member of the 1985 review team, indicated that, given the enormous resources necessary to build a new law school from the ground up, increasing the number of scholarships to minority law students would produce far greater results with far less funding. The infusion of greater resources for scholarships would, in her opinion, immediately impact the shortfall of minorities educated in the law profession, as opposed to the

building of a new facility which would necessarily take several years at a cost far greater than the mere doubling or tripling of the number of scholarships available to potential minority law students.

The relative costs of expanding legal education opportunities for minority students in Florida are estimated below. These estimates are preliminary and will be refined in the previously mentioned feasibility study.

Option 1:		
Expand minority scholarships at UF / FSU (double to 60)	$	300,000
Option 2:		
Expand minority scholarships to UF / FSU and to private law schools (add 100)	$	1,000,000
Option 3:		
Contract with private law schools schools for:		
100 FTE	$	928,300
600 FTE	$	5,569,800
Option 4:		
Develop new law school within SUS		
-Fixed capital outlay (based on FSU; location average of Orlando, Miami, Boca Raton	$	13,300,000
-Annual operating costs (based on UF / FSU)		
500 FTE	$	6,500,000
600 FTE	$	7,800,000

As mentioned earlier, expansion of the Virgil Hawkins scholarships could be accomplished in a very short time

frame, as could contracting with a private institution, while establishment of a new law school would take several years. In addition, the above examples could be combined or modified in various ways. For example, a contract with a private institution could perhaps be structured in such a way that Florida A&M University would administer or oversee operation of the program. The most cost-effective means of addressing the underrepresentation of minorities in law school and in the legal profession is likely to be determined by the feasibility study mentioned in the foregoing discussion.

LEAD CONSULTANT FOR THE 1990 REVIEW:

Dr. Marilyn V. Yarbrough, Dean

College of Law

University of Tennessee, Knoxville

MARILYN V. YARBROUGH

Place of Birth:	Bowling Green, KY	
Date of Birth:	August 31, 1945	
Spouse:	David A. Didion	
Children:	Carmen V. Ainsworth	(2/9/69)
	Carla R. Ainsworth	(3/19/74)

EDUCATION

J.D., 1973, University of California, Los Angeles
B.A., 1966, Virginia State University

PROFESSIONAL EXPERIENCE

August 1987-Present	Dean and Professor, College of Law University of Tennessee, Knoxville
August 1983-May 1984	Visiting Professor, Duke University School of Law
May 1983-July 1987	Associate Vice Chancellor for Research Graduate Studies and Public Service, University of Kansas, Lawrence
July 1981-July 1987	Professor of Law, University of Kansas, Lawrence
August 1976-June 1981	Associate Professor of Law, University of Kansas, Lawrence

RECENT UNIVERSITY AND PROFESSIONAL SERVICE

1991-Present	Tennessee Bar Association, Unified Bar Study Committee
1990-Present	Pulitzer Prize Board
1990-Present	Board of Directors, The Poynter Institute for Media Studies (Advisory Board, 1984-1990)
1990-Present	ABA Task Force on Law Schools and the Profession: Narrowing the Gap (McCrate Task Force)
1990-Present	AALS Committee on the Status of the Deanship

1988-Present	University of Tennessee Faculty Senate
1988-Present	Athletic Board, University of Tennessee
1988-1989	University of Tennessee Advisory Committee for Chancellor Search
1988-1990	American Law Institute-American Bar Association (ALI-ABA) Committee on Continuing Professional Education
1987-Present	American Inns of Court, Knoxville Chapter
1985-1986 and 1989-Present	Council Member, ABA Section on Legal Education and Admission to the Bar
1986-1987	National Collegiate Athletic Association Committee on Infractions
1980-1989	Board of Trustees, Law School Admission Council (President, 1986-1988)

RECENT COMMUNITY SERVICE

1987-Present	Board of Directors, First American National Bank of Knoxville
1990-Present	Board of Directors, Maryville College
1990-Present	Board of Directors, United Way of Knoxville
1989-Present	Board of Directors, Knoxville Housing Partnership
1989-Present	Board of Directors, Knox County Educational Enrichment Fund
1988-Present	Board of Trustees, Webb School of Knoxville
1988-Present	Board of Governors, Club LeConte Knoxville
1987-1988	Magnet School Task Force, Knox County Schools

1991-Present	Tennessee State Advisory Committee for the United States Commission on Civil Rights
1991-Present	Board of Directors, The National Conference of Christians and Jews, Inc., Knoxville, TN

RECENT HONORS AND AWARDS

Who's Who in America
Who's Who Among Black Americans
Who's Who in American Law
Who's Who in American Women
Who's Who in the South and Southwest
University of Kansas Women's Hall of Fame
Distinguished Alumni Award, Virginia State University
Frank D. Reeves Award, National Conference of Black Lawyers
Phi Kappa Phi (inducted as faculty member of Tennessee)
Order of the Coif (inducted as faculty member of Kansas)
Omicron Delta Kappa (inducted as faculty member of Tennessee)
LL.D. (honorary doctorate), University of Puget Sound School of Law
LL.D., Capital University Law School (to be awarded May 19, 1991)
1989 YWCA (Knoxville) Women Award for Education
1991 The Society of American Law Teachers (SALT) Achievement Award

BAR MEMBERSHIPS

State Bar of California
State Bar of Kansas